IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 37714 of 2003(M)

PETITIONER:

THANALUR MAHAL SUNI JAMA-ATH,
THANALUR, TIRUR, MALAPPURAM DISTRICT,
REPRESEBNTED BY ITS SECRETARY MUHAMMED HAJI.

BY ADV. SMT.V.P.SEEMANDINI
SMT.VIJU.P.VIJAYAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM

2. THE DIRECTOR OF PUBLIC INSTRUCTION, JAGATHY, THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER, TIRUR.

4. THANALUR BAYANUL HUDA HIGH SCHOOL, THANALUR, TIRUR, MALAPPURAM DISTRICT, REPRESENTED BY ITS SECRETARY, THAYYIL HASSANKUTTY

5. HIDYAUTHUL MUSLIM SANGHAM, REPRESENTED BY PRESIDENT MUHAMMED MUSALIAR, THANALUR, TIRUR, MALAPPURAM DISTRICT.

6. HIDAYUTHUL MUSLIM SANGHAM, REPRESENTED BY ITS SECRETARY, THAYYIL HASSANKUTTY, THANALUR, TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRI.R.RAMADAS --R5
GOVERNMENT PLEADER SRI. R.MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 37714/2003 M

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE REPRESENTATION DT. 21/07/2003 SUBMITTED BEFORE THE DEO, MALAPPURAM.

EXT.P2. COPY OF THE LETTER DT. 26/7/2003 RECEIVED FROM THE DEO, THIRUR BY THE PETITIONER.

EXT.P3. COPY OF THE NOTIFICATION DT. 29/10/2003 PUBLISHED IN THE KERALA GAZETTEE DT. 31/10/2003.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No.37714 of 2003

Dated 14th March, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of certiorari or other appropriate writ order or direction to quash Ext.P3 order to the extent of granting recognition to the 4th respondent school.
>
> (ii) To issue a writ of mandamus or other appropriate writ order or direction to call for the records of the case relating to the grant of recognition to the 4th respondent school."

It is stated in the counter affidavit that the recognition has been given taking into consideration the educational need of the locality. It is also stated that the nearest high school is 3.5 Km. away. Still further it is stated that the management had given an undertaking that the required infrastructure facilities would be provided in the school. According to the petitioner, there is no sufficient space in the school. It is also contended that the functioning of the school is in violation of the terms in the Wakf deed. As far as the last submission is concerned, it is for the petitioner to approach the Wakf Board or Wakf Tribunal. As far as other submissions are concerned, taking into consideration the

fact that the school has been functioning for the last several years, in case the petitioner has still such grievance, it will be open to the petitioner to point out the same before the first respondent.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 14th March, 2007.